



# State of South Carolina

## Office of the Governor

MARK SANFORD  
GOVERNOR

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June 26, 2007

The Honorable André Bauer  
President of the Senate  
State House, 1st Floor East Wing  
Columbia, South Carolina 29202

Dear Mr. President and Members of the Senate:

I am hereby returning without my approval S. 816, R-165. This veto is based upon my belief that S. 816, R-165, is unconstitutional.

This bill allows each member of the Darlington County Transportation Committee to be paid from Darlington County "C" Fund revenues \$75 for each meeting in which the member is in attendance. The state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." See S.C. Const., Art. III, Section 34 (IX). The General Assembly has established a general statute that prohibits county transportation committees from using "C" funds to pay per diems as administrative expenses. See S.C. Code Section 12-28-2740(B), as amended. It is unconstitutional for the General Assembly to pass special legislation, like S. 816, R-165, in contravention of general law. Each county's transportation committee should be subject to the same general law either allowing or disallowing per diems. Legislation like S. 816, R-165, demonstrates the policy basis for Article III, Section 34's, directive that special legislation be avoided in all cases where general legislation can be enacted.

Additionally, S. 816, R-165, affects only Darlington County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7, of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

In summary, I believe the specific nature of S. 816, R-165, renders this Act unconstitutional. For this reason, I am returning S. 816, R-165, to you without my signature.

Sincerely,

A handwritten signature in black ink, appearing to be "Mark Sanford", written over a horizontal line.

Mark Sanford